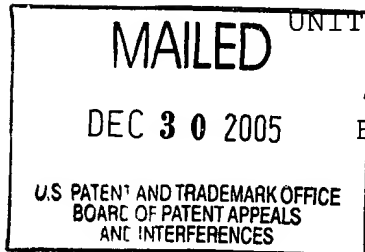


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte PHILIPPE BOIRE and XAVIER TALPAERT

Appeal No. 2006-0579  
Application No. 09/923,353

ORDER DISMISSING APPEAL

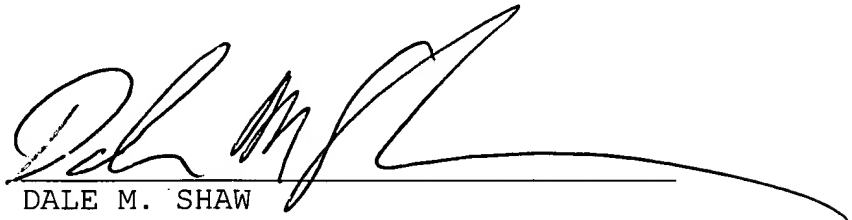
On November 23, 2005, counsel for appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Appeal No. 2006-0579  
Application No. 09/923,353

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for  
further action as may be appropriate.

By:

  
DALE M. SHAW  
Program and Resource Administrator  
(571) 272-9797

DMS:clm

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